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Ability to Pay Wages when Priority Date is in the Middle of the Year

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Submitted by Chief Editor on Mar 12th 2013

How shall ability to pay wages be determined when the Priority Date is in the middle of the year?

ANSWER:

USCIS does not calculate ability to pay wages on a pro-rated basis. USCIS will accept proof to show that petitioners have paid the required wage, as shown on ETA Form 9089, for the relevant periods of employment. Additionally, the USCIS will accept other forms of evidence, such as pay stubs, W-2's, and 1099 forms.

Unless the context shows otherwise, all answers here were provided by [Rajiv](#) ^[2] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) ^[3]

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